

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN MASSENGALE,

Plaintiff,

v.

KENNETH R. GREEN, JR., et al.,

Defendants.

Case No. 1:24-cv-00065-KES-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
COMPLAINT WITH PREJUDICE

(Doc. 10)

Plaintiff Kevin Massengale, proceeding pro se and in forma pauperis, initiated this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Kenneth R. Green, Jr., Judy J. Rogers, and Arturo Revelo. Docs. 1, 8. Plaintiff originally filed his complaint in the United States District Court for the Central District of California on December 19, 2023. Doc. 1. The action was transferred to this court on January 16, 2024. Docs. 5-6.

On August 20, 2024, the assigned magistrate judge conducted a screening of plaintiff's complaint and issued findings and recommendations to dismiss plaintiff's complaint with prejudice and without leave to amend. Doc. 10. The magistrate judge found plaintiff's complaint was legally frivolous and failed to state a cognizable claim. *Id.* at 4-10. On September 10, 2024, plaintiff filed objections to the findings and recommendations. Doc. 11.

1 In accordance with 28 U.S.C. § 636 (b)(1), this court has conducted a de novo review of
2 this case. In his objections, plaintiff disagrees that he is a “sovereign citizen” and argues that he
3 has sufficiently pled cognizable claims. Doc. 11. However, plaintiff’s objections largely repeat
4 many of the allegations stated in his complaint (Doc. 1), which were addressed thoroughly and
5 correctly by the magistrate judge. Plaintiff’s objections do not establish any error in the
6 magistrate judge’s findings and recommendations that plaintiff failed to state a cognizable claim
7 for which relief could be granted, that the claims against two of the defendants are barred by
8 judicial and prosecutorial immunity, and that the third defendant is not a state actor for purposes
9 of claims under 42 U.S.C. § 1983. As such, further leave to amend would be futile.

10 Having carefully reviewed the file, the court finds the findings and recommendations to be
11 supported by the record and by proper analysis.

12 Accordingly, it is HEREBY ORDERED that:

- 13 1. The findings and recommendations, issued on August 20, 2024, Doc. 10, are
14 ADOPTED IN FULL;
- 15 2. Plaintiff’s complaint, Doc. 1, is DISMISSED with prejudice and without leave to
16 amend; and
- 17 3. The Clerk of the Court is directed to CLOSE this case.

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20 IT IS SO ORDERED.

21 Dated: November 3, 2024

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24 UNITED STATES DISTRICT JUDGE
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